

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health v.

Cheryl Peluse, R.N.

Registered Nurse No. E50264

214 Blohm Street

West Haven, Connecticut 06516

CASE PETITION NO. 950426-10-050

**MEMORANDUM OF DECISION**

**INTRODUCTION**

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services <sup>1/</sup> (hereinafter the "Department") with a Statement of Charges and a Motion for Summary Suspension dated June 12, 1995 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Cheryl Peluse (hereinafter the "Respondent").

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent presented a clear and immediate danger to public health and safety. On June 14, 1995, the Board ordered, pursuant to its authority under §19a-17(c) of the General Statutes of Connecticut, that the registered nurse license of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges (Department Exhibit 1).

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<sup>1/</sup> Prior to July 1, 1995 the Department of Public Health was known as the Department of Public Health and Addiction Services. (Connecticut Public Act No. 95-257)

The Board issued a Notice of Hearing dated June 14, 1995 scheduling a hearing for June 28, 1995 (Department Exhibit 1). The hearing was continued at the Respondent's request and took place on October 17, 1995 at the Legislative Office Building, Room 2A, Capitol Avenue, Hartford, Connecticut.

During the hearing on October 17, 1995 the Department verbally amended the Statement of Charges to correct a typographical error, thereby creating paragraph 4a. (Hearing Transcript, October 17, 1995, p. 5)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and the Board's specialized professional knowledge in evaluating the evidence.

### FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Cheryl Peluse, hereinafter referred to as the Respondent, was issued Registered Nurse License Number E50264 on September 14, 1987. The Respondent was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 2)
2. The Respondent was given due notice of the hearing and the charges against her. Department Exhibit 1 indicates the Notice of Hearing and Statement of Charges were delivered by certified mail to the Respondent and the Respondent's attorney.
3. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, October 17, 1995, pp. 2, 27)
4. The Respondent submitted a written Answer to the Statement of Charges (Respondent's Exhibit A-I). During the hearing Respondent verbally amended the Answer to conform to the change made by the Department, and by admitting to Paragraph 8. (Hearing Transcript, October 17, 1995, pp. 5, 11)

5. Pursuant to a Consent Order dated March 24, 1993 the registered nurse license of the Respondent was placed on probation for a period of three (3) years effective April 1, 1993 due to her diversion of the controlled substances Demerol and Percocet and for falsification of controlled substance records while working as a registered nurse at Yale New Haven Hospital, New Haven, Connecticut in 1991. (Department Exhibit 1-D) (Hearing Transcript, October 17, 1995, pp. 29-30)
6. Conditions of probation of the Respondent's registered nurse license required that the Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her for a legitimate medical purpose by a licensed health care practitioner, and that the Respondent submit to random urine screens, the results of which are to be negative for the presence of alcohol and/or drugs. (Department Exhibit 1-D)
7. Beginning on or about September 1992, the Respondent was employed as a registered nurse at Sound View Specialized Care Center, West Haven, Connecticut. (Department Exhibit 1-C)
8. From on or about November 1994 to April 1995, while working as a registered nurse at Sound View Specialized Care Center, the Respondent diverted for her own use the controlled substance Percocet, and falsified controlled substance records by indicating that the Percocet she diverted for her own use had been administered to patients. (Department Exhibit 1-C) (Hearing Transcript, October 17, 1995, pp. 33-34)
9. The Respondent abused and/or utilized to excess, the controlled substance Percocet which she diverted from Sound View Specialized Care Center. (Department Exhibit 1-C) (Hearing Transcript, October 17, 1995, p. 33)
10. During March and April 1995 the Respondent abused and/or utilized to excess, the controlled substances Demerol and Vicodin which she obtained from the home of a friend. (Department Exhibit 1-C) (Answer: Respondent's Exhibit A-I) (Hearing Transcript, October 17, 1995, p. 32)

11. On March 27, 1995 and April 6, 1995 the Respondent submitted urine specimens for alcohol/drug screening. The results of the screens were positive for the presence of the controlled substance Meperidine (Demerol). (Department Exhibit 1-A) (Respondent's Exhibit A-II)

### DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Cheryl Peluse held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges sufficiently provided legal notice as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The Statement of Charges alleges that while subject to conditions of probation of her registered nurse license, as set forth in a Consent Order dated March 24, 1993 and/or while employed as a registered nurse at Sound View Specialized Care Center, West Haven, Connecticut:

- "5. On or about March 27, 1995, during the term of probation, a test of respondent's urine indicated the presence of meperidine (demerol).
6. During approximately March and April 1995, respondent abused and/or utilized to excess the controlled substances demerol and vicodin.
7. In January and February 1995, respondent:
  - (a) diverted percocet from Sound View;
  - (b) falsified one or more controlled substance receipt records; and/or,
  - (c) failed to completely, properly and/or accurately document medical or hospital records.
8. During the term of probation, respondent has abused and/or utilized to excess the controlled substance percocet."

The Respondent admits these charges. (Answer: Respondent's Exhibit A-I) (Hearing Transcript, October 17, 1995, p. 11)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Based on its findings and the Respondent's admissions, the Board concludes that the Respondent's conduct as specified in the Statement of Charges Paragraphs 5, 6, 7 and 8 are proven and that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2) and (5). The Board further concludes that the conduct specified in Paragraphs 5, 6, 7a and 8 of the Statement of Charges constitutes a violation of the terms of probation as set forth in the Consent Order dated March 24, 1993. Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

#### ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for Paragraphs 5, 6, 7 and 8 of the Statement of Charges the Respondent's registered nurse license, No. E50264, be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.
3. That at any future time, should the Respondent apply for reinstatement of her registered nurse license in the State of Connecticut, the Respondent must present evidence, to the satisfaction of the Board, that she has been alcohol and drug free; that she has engaged in counseling and therapy for chemical dependency; and that she has actively participate in a 12-Step structured recovery program.

The Board of Examiners for Nursing hereby informs the Respondent, Cheryl Peluse, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 7th day of February, 1996.

BOARD OF EXAMINERS FOR NURSING

By

Jamaya L. Befundo

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